



Statement of Business Ethics

Business Ethics for Berrigan Shire Council

Berrigan Shire Council's dealings with the private sector can range from dealing with development applications, purchasing of goods and services and tendering and contracting. Both Berrigan Shire Council and the private sector need to be aware of the ethical standards adopted by the Council and its staff in day-to-day operational activities when conducting business.

Council's dealings with the private sector are geared to achieve the best possible outcomes in the interests of the Council and its ratepayers. In doing this, all business undertakings are conducted with fairness, transparency, impartiality and to the highest ethical standards.

This statement reinforces Council's ethical values and provides guidance for the private sector when doing business with Council. The statement outlines Council's expectations of developers, contractors, goods and service providers and other external organizations. Conversely the statement highlights what the business community can expect from the council when conducting business with Council.

I hope that you find this document useful in establishing a productive relationship with Berrigan Shire Council. Further information on these guidelines can be obtained from the General Manager's Office on telephone (03) 5888 5100.

Rowan Perkins
General Manager

General Principles

Berrigan Shire Council requires staff and Councillors to conduct their roles and responsibilities in an ethical manner. Both staff and Councillors work to a written Code of Conduct.

Council is guided by four (4) key principles at all stages of the purchasing, tendering, contracting and development application process. These principles are:

- Value for Money
- Honesty and Impartiality
- Fairness and Consistency
- Transparency

These principles enable the private sector to promote their interests productively and avoid potentially questionable activity. Businesses also benefit from the assurance that their competitors are required to behave in accordance with the same guidelines.

Value for Money

At the core of Council's business relationships with private sector suppliers of goods and services is the principle of **value for money**. In this context, Council will consider all relevant factors including initial and on-going costs, quality, reliability, safety and timeliness.

Value for money does not mean 'lowest price'. However, the lowest price bid might offer best value if it meets other essentials such as quality and reliability.

Honesty and Impartiality

All business relationships will be **honest and impartial**. An impartial person will try objectively to establish criteria for determining best value for money and will work hard to objectively assess each bid against criteria.

Being impartial includes taking into account the practicalities of a given situation but does not require, for example, inviting bids from firms which have performed poorly in the past.

Fairness and Consistency

Council dealings with the business community will also be **fair and consistent**. Potential bidders will be given equal access to information and opportunities to submit bids and tenders will not be called for unless there is the intention to award a contract subject to a satisfactory offer. Changes to, or introduction of new selection criteria midway through a tendering process will not occur without advice of such changes being provided to all tenderers.

In some circumstances, fairness takes into account the effects of actions of others. However, fairness does not necessarily mean pleasing everyone and some people are occasionally adversely affected by fair decisions.

Transparency

The final business principle relates to **transparency**. Council's relationships are open to public scrutiny, including both the process surrounding the dealing, and where appropriate, the nature of the dealing itself. Council will maintain appropriate confidentiality, protect private information, and not disclose commercial-in-confidence or proprietary information unless legally required to do so.

What you can expect of Council

When doing business with the private sector, Council officials are accountable for their actions and are expected to:

- Respect and follow Council's policies and procedures, and abide by the law.
- Be accountable and act in the public interest.
- Promote fair and open competition while seeking best value for money.
- Avoid personal conflicts of interest with public duty.
- Respond promptly to reasonable requests for advice and information.
- Not solicit or accept any benefit from a provider for the discharge of official duties.
- Protect confidential information.
- Assess applications objectively, considering all relevant and material factors.
- Use public resources effectively and efficiently.

What Council asks of you

Berrigan Shire Council expects all its representatives, staff and councillors to behave ethically. Council, in return, has similar expectations to its business clients and suppliers and asks the business community to:

- Act ethically, fairly and honestly in all dealings with Council.
- Respect the conditions set out in documents supplied by Council.
- Disclose actual or perceived conflicts of interest as soon as you become aware of the conflict.
- Assist council in identifying, investigating, and eradicating unethical and fraudulent practices.
- Abstain from collusive practices and not act secretly or fraudulently.
- Maintain confidentiality of privileged information.
- Deliver value for money.
- Disclose beneficial interests in contracts wherever possible.
- Provide accurate and reliable advice and information when required.
- Refrain from engaging in any form of collusive practice, including offering Council employees or Councillors any financial or other inducement which may give an impression of unfair advantage.
- Do not discuss Council dealings with the media without Council consent.

There is no absolute definition of “ethical behaviour”. If there is any doubt about the ethics of a proposed action, a sensible test is whether or not you would be happy to see your behaviour published in the local newspaper.

Why is compliance important?

By complying with council’s statement of business ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all suppliers of goods and services to Council are required to comply with this statement, compliance will not disadvantage you in any way.

Non compliance with the requirements of this statement resulting in demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation
- Disqualification of tender

Some Practical Guidelines

Benefits and gifts

When doing business with the Council there is no need for gifts or incentives. A job well done can be recognized by letter to the Mayor or General Manager.

Council only permits the acceptance of gifts and benefits if they are of a nominal or token value and do not create a sense of obligation. All gifts or offers of gifts, whether token or non-token in nature, will be reported to the staff member's supervisor, General Manager or Mayor and recorded in Council's Gifts Register.

In general:

- **Benefits and Gifts:** may not be accepted if there is a conflict of interest or it compromises Council business relationships. Gifts offered by tenderers and contractors will not be accepted.
- **Hospitality:** greater than what can be offered in return should not be accepted.
- **Travel and Accommodation:** offers should be made through the Mayor or General Manager.

Conflicts of Interest

Council officials are required to disclose any potential conflicts of interest, and Council expects that its business partners, contractors and suppliers will do the same.

A conflict of interest exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest. This could be because of the reasonable likelihood or expectation of appreciable financial gain or loss to you or another person with whom you are associated (including spouses, family members, friends and employers). It may also be due to a non-pecuniary interest – or one that is created by a friendship, membership of an association, society or trade union, or involvement or interest in an activity.

Confidentiality and Intellectual Property Rights

Any confidential information should be treated as such and should not be revealed to persons other than those with a genuine need to know. Commercial-in-confidence or proprietary information contained within tenders, quotations, expressions of interest, proposals, heads of agreements and the like should never be given to competing interests nor unauthorized persons.

In business relationships with Council, parties will respect each other's intellectual rights and will formally negotiate any access, licence or use of intellectual property. No individual or organization is automatically entitled to intellectual property rights because they are employed by, or have a contract with Berrigan Shire Council.

Development Applications

Throughout the development application process, all parties, including Councillors, members of staff and delegates, should understand that Council in its formal role in determining a development application has to consider the matters prescribed in legislation in a way that is open and transparent and is seen to be fair to all parties involved.

Councillors, members of staff and delegates, should not be expected to offer support or otherwise for any party associated with the development application process. Councillors and staff are professional people and will treat all aspects of the development application process in a professional and ethical manner.

Ethical Communication

All communication should be clear, direct and accountable to minimise the risk of perceived inappropriate influence being brought to bear on the business relationship.

Expectations of contractors and sub-contractors

All contracted and sub-contracted employees are expected to comply with this statement. It is the responsibility of contractors to make sub-contractors, where they are engaged, aware of this statement.

Secondary Employment and Post-separation Employment

Council employees, as public officials, have been directed not to use commercially sensitive information to facilitate future employment opportunities in the private sector.

Staff seeking secondary employment or contract work that relates to or could conflict with the business of the council must first have the General Manager's approval. Secondary employment must not arise from or interfere with council work, cause conflict with official duties, must be performed outside normal working hours, will not involve information obtained through Council work, and must not discredit or disadvantage the council.

Sponsorship

Berrigan Shire Council will not enter into any form of sponsorship that is not open or transparent or if such sponsorship creates a perception that it could be seen as an attempt to improperly influence the decision making process. Sponsorship will be restricted to partnership arrangements that support the local community and progress Council's objectives.

Inevitably, organizations that staff members, councillors and delegates are involved in will have dealings with the Council. On these occasions any actions that could lead members of the public to believe that they are seeking preferential treatment are to be avoided. Council's Code of Conduct addresses this issue in greater detail.

Use of Council equipment, resources and information

All Council equipment, resources and information should only be used for its proper official purpose.

Who to contact about the statement

If you are concerned about a possible breach of this statement, or about any conduct that could involve fraud, corrupt conduct, maladministration, or serious and substantial waste of public funds, please address your concerns to the General Manager, in writing to, PO Box 137 Berrigan NSW 2712. Where you believe that the General Manager has failed to comply with this statement you should address your concerns to the Mayor. Reports based on honest beliefs and reasonable grounds, will be investigated promptly, professionally and in confidence.